THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 17193 of 2005

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Dated: 04.08.2005

Between:-

D. Madhusudhana Reddy s/o D. Vasudeva Reddy,

Aged about 52 years, Principal. H.No. 2/428-89-B2,

Balaji complex, Nandyal, Kurnool District.

… PETITIONER

AND

The Commissioner, Nandyal Municipality, Nandyal,

Kurnool District and another.

…RESPONDENTS

O R D E R

The writ petition is filed to direct the respondents to remove the encroachment near Door No. 2-428-53-A4, Balaji Complex, Nandyal, Kurnool District as per the letter, dated 30.07.2005 sent by the 1st respondent herein forthwith by declaring the action of the respondents in not removing the encroachment as arbitrary, illegal and unconstitutional.

The case of the petitioner is as follows:-

Sri Balaji Junior College, Nandyal was established in the year 1982 and later it was shifted to the premises bearing House No. 2-428-/89/B-2 by taking it on lease. The petitioner is working as Principal in the said College. Abutting the said college, there is a colony by name Balaji Complex and there are two roads left towards West side of the college. The students have been using the roads for ingress and access to the college. Recently, the Municipality laid new C.C. road during the third week of July and surprisingly on 24.07.2005 mid night the residents of Balaji Complex made obstruction by erecting wall on the western side of the college. As there was no response from the residents of the colony to remove the obstruction, the petitioner has submitted a representation to the 1st respondent on 25.07.2005 about the illegal act of the colony people in blocking the road which is a public rastha and he also submitted a representation to the Special Officer, Nandyal Municipality on 28.7.2005. As the residents refused to remove the encroachment wall, he approached the official respondents and in spite of passing order on 30.07.2005 so far the wall has not been removed. Hence, the petitioner filed the present writ petition.

Heard the learned counsel.

When the writ petition is taken up for admission, it is brought to the notice of this Court that a representation, dated 30.07.2005, submitted by the petitioner is pending with the 1st respondent.

In view of the same, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the 1st respondent to take steps to remove the encroachment near Door No. 2-428-53-A4, Balaji Complex , Nandyal, Kurnool District, on the letter addressed by the petitioner, dated 30.07.2005, in accordance with law, within a reasonable period of eight weeks from the date of receipt of a copy of this order.

Subject to the above directions, this writ petition is disposed of. No order as to costs.

E. DHARMA RAO, J

4th August, 2005

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